

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F056450 In re Noah Ignacio on Habeas Corpus

The petition for writ of habeas is granted. The Governor's decision reversing the Board's finding that petitioner is suitable for parole is vacated. The Board's decision is reinstated as of the date this opinion is final. The Governor, in his discretion, may thereafter exercise his constitutional and statutory authority to reconsider petitioner's parole suitability in accordance with the standards explained and clarified in Lawrence and Shaputis. Levy, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F055931 Khatibi v. Montano et al.,

The judgment in favor of Glasskite is affirmed. The judgment in favor of the Montanos is reversed. The trial court is directed to vacate its order granting the Montanos' motion for judgment on the pleadings without leave to amend and to enter a new order granting that motion with leave to amend. The parties will bear their own costs on appeal. Hill, J.

We concur: Dawson, Acting P.J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056328 People v. Hunter

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F056328 People v. Hunter

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F055604 People v. Meza

The above-entitled case is submitted for decision.

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F055604 People v. Meza

The case is remanded to the trial court to strike the prior prison term enhancement upon a statement of reasons. The court shall then set forth its statement of reasons for striking the prior prison term enhancement in the clerk's minutes, prepare an amended abstract of judgment, and forward the amended abstract of judgment to the appropriate authorities. The judgment is otherwise affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056029 In re Arthur Negrette Aguirre on Habeas Corpus

The petition for writ of habeas corpus is granted. The Board is ordered to vacate its 2007 decision denying parole and to conduct a new hearing within 90 days to consider petitioner's parole suitability in accordance with the standards explained and clarified in Lawrence and Shaputis. During this hearing, the Board is directed to consider the evidence presented at the 2007 hearing, the 2008 psychological report and any new evidence of petition's conduct, circumstances or mental state. Levy, Vartabedian, Cornell The judgment is Levy, J.

We concur: Vartabedian, Acting P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056643 In re J.C. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F056643 In re J.C. et al., Minors

The court's disposition order is conditionally reversed and the matter remanded to the juvenile court with directions to promptly hold a hearing to determine whether the ICWA applies. If no tribe responds, or the responses received indicate the children are not Indian children within the meaning of the ICWA, the court's disposition order shall be immediately reinstated. If any noticed tribe determines the children are Indian children within the meaning of the ICWA, the court shall conduct further proceedings applying the applicable provisions of the ICWA, the Welfare and Institutions Code, and the California Rules of Court.

By the Court.

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